

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

ROGER THOMPSON,

Petitioner,

-against-

JOSEPH T. SMITH, Superintendent,

06-CV-1253 (RJD)

Respondent.

X

Pursuant to the Court's order issued on 5/18/06 dismissing the petition for a writ of habeas corpus under 28 U.S.C. § 2254, it is,

ORDERED, ADJUDGED AND DECREED: That the petition is hereby dismissed as time-barred. 28 U.S.C. § 2244(d)(1). As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253(c). The Court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal from the order would not be taken in good faith and therefore *in forma pauperis* is denied for the purpose of an appeal.

Dated: Brooklyn, New York

May 18, 2006

s/Raymond Dearie

RAYMOND J. DEARIE
United States District Judge